



## **ANALYSIS OF A DOCUMENT SETTING OUT THE LIBERTIES OF BATTLE ABBEY AND THE INHABITANTS OF BATTLE, dated 1493.**

### **Description**

The document appears to be on parchment, with evidence of a missing seal. It is written in Latin. It measures 32cm x 18.5cm, with a 2cm fold at the bottom, in which appear two horizontal slits (to accommodate the missing seal). There is evidence that it had previously been folded into three in both directions, producing nine rectangular segments. The 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> lines have been underlined in pencil at a later date, at which time also lines 7 to 20 have been bracketed in the left-hand margin. On the reverse “1073” appears in the top left-hand segment, with the words “Sussex” in a later hand, in pencil, beneath it. The word “Sussex” appears in possible contemporaneous hand in the top middle segment, while in the bottom middle segment appear the words “The libaties of the abbey of battell”, also in a contemporaneous hand. Below this, in a different later hand, perhaps seventeenth century, appear the words “*Abbas Sti Martini de bello privelegia concedens cuicunque has literas deferenti*”, which translated means “The Abbot of St Martin at Battle bestows these privileges on whoever bears this letter”. The word “Sussex” appears in the bottom left-hand corner of the same segment, with “8. H.7.” in the bottom right-hand corner of the same segment, both in the possible seventeenth century hand. In the bottom right-hand corner of the bottom right-hand segment appears “= 1493” in pencil, in possibly the same hand as the word “Sussex” in the top left-hand segment. Together with the document is a description of the document, which has some minor inaccuracies, and a two page typed A4 translation, dating from the 1980s, with “c1218” in the top left-hand corner of the first page in pencil. The accuracy of the translation has been confirmed as mainly correct. There is also a partial transcription of the Latin, which, in feint pencil, bears the words, in secretary hand, “transcribed by Alan Moore of Hancox November (?) 193(?)”.

### **Date**

That date of the document is indicated by the date of its sealing i.e. 1<sup>st</sup> January in the eighth year of Henry VII, or 1493. Christopher Whittick, County Archivist for East Sussex, has confirmed that the document is likely to be genuine.

### **Audience**

The document is a public document, addressed to whomsoever reads it, requesting that the bearer should be allowed all the rights and privileges granted “to us and our church”, and was sealed by the Abbot of Battle.



## **Context**

### National

Prior to the date of the document (1493) Henry Tudor had taken the throne following the Battle of Bosworth Field in 1485, ending the Wars of the Roses between the Houses of Lancaster and York. Needing to firmly establish himself as King together with his rights to the throne, he married Elizabeth of York, thereby uniting the warring factions. On the continent, Henry, having initially invaded France, negotiated the Treaty of Etaples in 1492, foregoing British rights to Brittany in return for a payment of £159,000. The Treaty between England and France importantly deprived pretenders, such as the later Perkin Warbeck, of French support for their claims to the English throne. In terms of the Reformation, early signs of disquiet with Rome were evidenced by the popularity among working people of the Lollard movement, which had grown around the beliefs of John Wycliffe in the fourteenth century. Prosecutions against Lollards evidence their ongoing popularity, these were still being held in the fifteenth century – for example in 1486 a number of heresy trials were brought against Lollards in Coventry. Luther's 95 Theses of 1517 were still fourteen years in the future and Dissolution of The Monasteries, bringing with it the end of the Abbey of St Martin de Bello, was forty-three years into the future.

### Local

Battle in the late fifteenth century still had its administrative centre based in the Market Place, a square which was situated between the end of Mount Street and Shitbourne Lane (Western Avenue), extending into an area now covered by buildings in the High Street and bounded on one side by what is now the end of Mount Street. The Court House, at which justice was administered and, in effect, local government carried out, was situated here, towards the right hand end of the present Mount Street. Throughout the fifteenth and into the sixteenth century the Market Place gradually changed, with shops being merged and re-divided, providing larger, but fewer, shops. The number of traders in market gradually diminished. The addition of a smithy built on the Market Place in 1442 could indicate that the space was by that time already too large for the number of traders. The town underwent a contraction between the mid-fifteenth mid-sixteenth century at its outer borders (Caldbec Hill and Battle Hill), with fewer houses in these areas. By contrast the town centre appears to have remained static in terms of house numbers, with some additions such as the Quarry Rents in Upper Lake, which would have been relatively new in 1493, having been built in the 1470s. It is not known whether the Dissolution of the Monasteries had any impact on the speed of this contraction.

As will be further discussed later, the Abbey enjoyed rights and privileges or "liberties" which meant it not only dispensed justice to citizens within its area, but profited from markets and fairs as well as fines meted out. This income, however, was very small in terms of the total income of the Abbey. The stewardship of the Abbey had by this time fallen out of the hands of lawyer monks and into the hands of Burgesses of Battle and the creation of the office of sub-steward added to the administrative responsibilities in local hands, with



the post held by local attorneys who worked with the beadles to administer the estate. Courts were administered by inquest jurors made up from a small group of local families, concentrating power in the hands of a clique of wealthier residents. This group were the abbot's officials, exercising his power in the leuga and tending to be local lawyers and merchants. Their influence seems to have been expansive in the late fifteenth and early sixteenth centuries, with seven of the ten members of the Abbot's Council inquest jurors by 1466. Not only this, but the offices of sub-steward, beadle, chamberlain, rent collectors and others were all held by members of inquest juror families, who, in turn, employed their own relatives to carry out the best jobs on the abbey estate. The group were often educated within the monastery, rather than the town school, later becoming monks or gaining posts which enabled patronage for their own families. The Abbot Richard Tovy, author of the document being discussed, was himself a member of one of these influential Battle families, uniting in effect both the lay and spiritual influences in the town during his term as Abbot. Indeed his kinsman, John Tovey, is recorded as serving as an inquest juror while Richard was Abbot. Searle notes that in the later fifteenth century there was "a real class division in this country town: on the one side were the governed, the instructed, the corrected, while on the other were the prosperous "better sort", the correctors, monopolising town office, abbey council, patronage and business"<sup>1</sup>.

#### Charters Concerning the Liberties of Battle Abbey

Abbots and inhabitants of Battle enjoyed a series of rights and immunities granted to the Abbey, it was claimed, by William I. These liberties were subject to dispute as no formal charter from William I granting them existed, although there is little doubt that he intended privileges for his Abbey, which was to be answerable to only himself and importantly not under the jurisdiction of the Bishops of Chichester, in whose diocese it fell. An absence of charters formally setting out the liberties of Battle led to the monks forging them, to give credence to their claims. A genuine grant of Henry I made at Wartling in 1101 confirmed the Abbot's right to jurisdiction over the leuga, meaning that all pleas would, at least initially be heard in the Abbot's court. Further, in 1155, shortly after his coronation, Henry II confirmed in a charter the liberties and rights claimed for Battle Abbey and the inhabitants of Battle in forged charters presented to him by the Abbot of Battle, thus establishing their veracity from that time forward. However, the matter did not rest and in 1157 the ongoing dispute over the freedom of Battle Abbey from the jurisdiction of the Bishop of Chichester came to a head. Following the Bishop of Chichester's appeal to Rome over whether the Abbot of Battle owed obedience to Chichester, which had resulted in the Abbot being ordered to Chichester by the Pope, Henry II held a hearing at Colchester to consider the Abbot's claims that only the king could determine whether liberties given by a king in a Royal Charter to a Royal Foundation could be overturned, not the Pope. The hearing resulted in defeat for the Bishop and confirmation of Battle's historic rights and liberties, including freedom from obedience to the Bishops of Chichester.

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<sup>1</sup> See Searle *Lordship and Community* p.437



Several documents exist setting out the freedoms granted to Battle. East Sussex Record Office holdings include:

- the grant of Henry I dated 1101;
- a grant by Henry II to Bishop Odo, Abbot of Battle, setting out his manorial rights dated 1175-1182;
- a confirmation and grant by King John dated 1211;
- a grant dated 1253 from Henry III allowing “free warren on all Abbey lands in England”;
- a further copy of the previous grant

The British Library holdings include:

- a “spurious” grant of William I in a 12<sup>th</sup> century hand;
- a confirmation of the liberties of Battle granted by Henry II dated 1157-1179, confirming grants by previous monarchs (same as that held in East Sussex Record Office)
- a “spurious” charter of William II written in a 12<sup>th</sup> century hand, dated 11 February 1094
- a precept of Henry I confirming the possessions and liberties of Battle Abbey ?1134
- transcripts of Battle Abbey charters (part of the Fuller collection), Henry VI and Edward IV. Created late 16<sup>th</sup> century

## Content

*NB. The following analysis is based on the translation which accompanies the document and assumes its accuracy.*

The document opens with greetings from Richard, the Abbot of St Martin’s of Battle addressed to all readers of the document. Richard Tovy (see earlier) was Abbot at the date of the document and appears to be its author. The Abbot goes on to say that “our lord king Henry by his letters patent dated 3 November in the second year of his reign has confirmed and ratifies all and singular the donations, liberties and privileges given to us and our church by his predecessors, kings of England after inspection of their charters”. The use of the words “our Lord King Henry” suggest that Henry VII, the current King, had issued in c1487 a grant confirming the liberties of the Abbey bestowed by earlier Kings, in line with custom at the time. On the other hand, it is possible that, as the regnal number of King Henry is not specified, the Abbot refers instead to the confirmation of liberties issued by Henry II in 1155 and reiterated in 1157 following the court case mentioned earlier, although dates do not exactly tally. As can be seen from the preceding list of extant charters, no charter of Henry VII confirming Battle’s liberties is held in either the collections of the East Sussex Record Office or the British Library, although one may have been produced but no longer survives. The claim might also suggest that Abbot Richard was, in the same way as the early monks of the Abbey, “forging” a document, being anxious to establish that the rights granted to the Abbey by earlier monarchs continued under the new King, who had a tenuous claim to the



throne. The Abbot recounts how William founded the Abbey to pray for the souls of those who fell in battle, granting that it should be “as free.... as the Church of Canterbury and that it should be free from all subjection to bishops and the direction of such people”. This re-enforces the decision made by Henry II at the trial in 1157, establishing the Abbey in 1493 as on a level with Canterbury and free from the jurisdiction of the Diocesan Bishop of Chichester.

Richard goes on to list the privileges granted:

1. The Abbey and monastery had the power to hold its own courts for business and justice
2. The Abbey and men of Battle were:
  - free from various taxes and obligation to repair castles, bridges and fencing
  - not answerable to the shire and hundred courts
  - granted the right to their own coroner
  - granted freedom from paying tolls anywhere in the country
3. The Abbey could impose its own fines and was also entitled to any fines imposed on its men and tenants by any justices, sheriffs and bailiffs
4. The Abbey could claim “the chattels of felons, fugitives and outlaws and those hanged and of whomsoever condemned” as well as the belongings found in the liberty of any wrongdoers. In addition it could claim any monies following a murder.
5. No persons could enter the lands or property of the abbot and monastery “to make any distraint, summons or other business”

The above list gives the Abbey considerable secular freedoms – it can hold its own courts, set and benefit from its own fines, benefit from monies of felons and conducts its own enforcement of debt. Not only this, but men living within its jurisdiction are also free from certain taxes and obligations, as well as tolls and have the right to be tried only by the court at Battle.

The Abbot then re-asserts that the above privileges are granted by charters agreed by Kings, confirmed by their successors and itinerant judges, as well as previous judges and servants of the king, firmly establishing the legal basis for his claims. An attempt to suggest that the Pope has also agreed to the privileges and would excommunicate any who did not respect them has been crossed out – this was most likely done at a later date in line with legislation in The Act of Supremacy, after Henry VIII had broken with Rome.

The document ends by an appeal to the reader requiring them to allow the privileges listed to the bearer of the document, under the threat of legal action for non-compliance, rather a menacing tone being adopted in the later sentences. It is difficult to know who would be likely to be the “bearer” of the document – several copies of the document were likely to have been made at the time and given to various officials carrying out the business of the Abbot of Battle, traveling perhaps to the Abbot’s House in London or Abbey lands in other parts of the country, as well as to local citizens. Beadles and sub-stewards are two officials



who would have been likely to be traveling on Abbey business who could have made use of the letter of authority.

The document is sealed with the common seal of the Abbey (no longer in evidence).

## **Significance**

Similar documents exist from Hastings and Rye, provided to their citizens to ensure that they were able to claim their rights, but no other appears to survive from Battle.

There do not appear to be any documents setting out the liberties of Battle Abbey dated after 1253, in this respect the document is unique. This fact alone would seem to establish it as of great local, if not national, significance. The document may reflect decisions made in a genuine royal grant of confirmation made by Henry VII soon after his accession to the throne, as was the custom. If this is the case, it could provide valuable details of the contents of a Royal Charter no longer in existence. On the other hand, it could be a “forgery”, as suggested above, to bolster claims of independence. It would still seem to be a significant document even if this is case, as it shows that the liberties listed were still being claimed and used virtually up to the Dissolution, emphasising the importance and power of the Abbey and its lands. The crossed out reference to “the popes of Rome” is proof of the continuing claims to the historic liberties in 1534, following the Act of Supremacy, when mention of the Pope had to be removed from legal documents. This picture of such a prestigious house claiming many liberties in 1493, and indeed 1534, does not seem to marry with the comments of the commissioner visiting the Abbey prior to the dissolution in 1536 where he describes the Abbey thus: “So beggary a house I never see, nor so filthy stuff. I would not 20s for all the hangings in this house, as the bearer can tell you.”<sup>2</sup> What had happened between the two dates?

The document's history prior to becoming part of Society's archive is uncertain. The numbers “1073” on its reverse are typical of items once part of the Dering collection, which was sold in the 1850s and dispersed nationwide. Sir Edward Dering, 1598 – 1644, of Pluckley, Kent, was an antiquarian collector whose second wife was Anne, daughter of Sir John Ashburnham - possibly it was through this connection that the document came to be in the hands of the Derings. The Latin transcription's attribution to Alan Moore of Hancox, is backed by a reference in his diaries, revealing that he had access to the document “to try and decipher” on November 11<sup>th</sup> 1938.

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With thanks for additional information to Christopher Whittick, East Sussex County Archivist  
Charlotte Moore, Grand-daughter of Alan Moore  
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<sup>2</sup> Quoted in Searle *Lordship and Community* p.441



## References

Searle, E. *Lordship and Community: Battle Abbey and Its Banlieu 1066-1538*

D & B Martin and C. Whittick with Jane Briscoe *Building Battle Town*

Kelly's Directory 1899

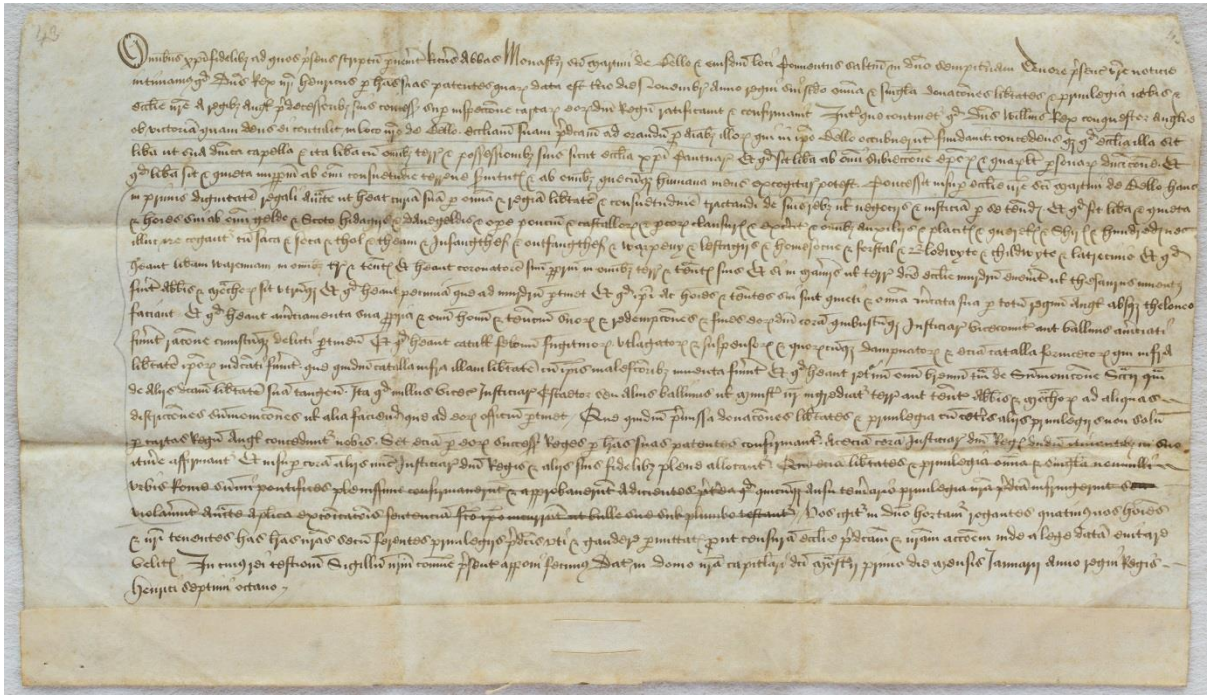
Directory of Charters Grants and Donations to be sold by Thomas Thorpe in 1835

ESRO Catalogue

British Library Catalogue

Details of The Charters of Battle Abbey in the Fuller Collection in the University of London Library, 1979

# Photographs



Front of the 1493 Parchment 'Passport'. A translation is given below.

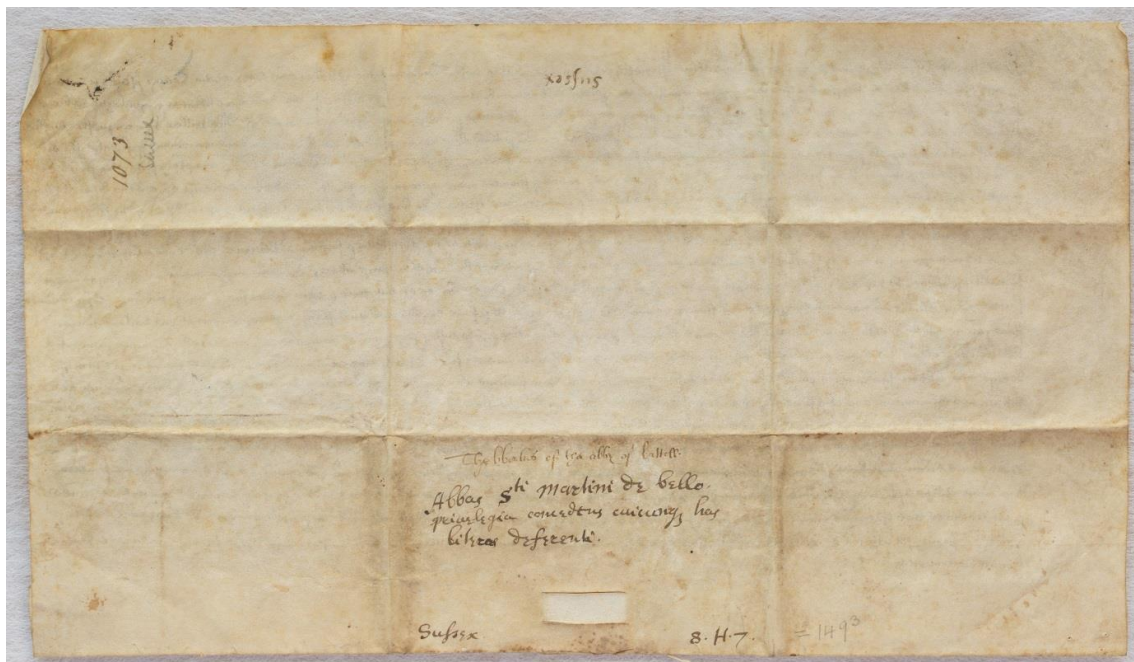


Gina Doherty BDHS volunteer Archivist with Christopher Whittick of ESRO and the parchment





BDHS Secretary Neil Clephane-Cameron, Vice Chair and research Coordinator Keith Foord, Chairman George Kiloh, Gina Doherty, Natasha Williams of English Heritage and Christopher Whittick in the museum at Battle Abbey 05 March 2018



Back of the parchment. Note how it would have been folded into nine for carrying by the traveller.

Photographs by Peter Greene

## TRANSLATION

### Main Text

Richard, Abbot of the monastery of St Martin's of Battle and the convent of that place, greetings in God Almighty to all faithful Christians to whom this present writing may come. By the tenor of these present know ye that our lord king Henry by his letters patent dated 3 November in the second year of his reign has confirmed and ratified all and singular the donations, liberties and privileges given to us and our church by his predecessors, kings of England, after inspection of their charters. These contain among other things, that Lord William the conqueror of England, on account of the victory which God brought him in that place, founded his aforesaid church of Battle to pray for the souls of those who fell in the battle, and granted that that church should be free as his free chapel is, and so as free, with all its lands and possessions, as the Church of Canterbury, and that it should be free from all subjection to bishops and from the direction of such people. He grants in the first place by his royal authority and dignity that it should have power to hold courts for transacting all business and justice in matters pertaining to it, including royal liberty and custom; and that it and its men should be free and quit from all geld and scot, hideage and danegeld and works on bridges and castles and fencing of parks, and free from all Aids and pleas and legal querella and they shall not be forced to attend shire and hundred courts but have sac and soc, toll and team, infangtheof and outfangtheof, warpenny and lastage and homesake, and forstall and blodwyte and childwite, and thieffright; and that they shall have free warren in all their lands and tenements and they shall have the right to their own coroner in all their lands and tenements and if in the manors or lands of the said church a murder shall occur "as the treasury shall find it shall be to the abbot and monastery" and that they shall have the money which pertains to a murder; and that they and their men and tenants shall be quit and all their merchandise through the whole kingdom of England without paying tolls. And that they shall have their own ameracements, redemptions and fines and those of all their men and tenants before whatsoever justices, sheriffs or bailiffs they may be amerced by reason of whatsoever dereliction. And they shall have the chattels of felons, fugitives and outlaws and those hanged and of whomsoever condemned, and also the chattels of fornicators (?) who were judged within their liberty and whatever chattels were found within that liberty with those malefactors. And that they shall have return of writs, including the summons of the Exchequer and of any other touching their liberty so that no sheriff, justice, excheator or other bailiff or minister of ours shall enter the lands or tenements of the abbot and monastery to make any distraint, summons or other business pertaining to their office. Which premises, donations liberties and privileges, with certain other privileges, have been conceded to us by charters of the kings of England and also confirmed by their successors, Kings of England and also affirmed before the Itinerant Justices of the King in their circuits. And fully acknowledged also before others, late justices of the king, and other his faithful servants. [crossed out: the popes of Rome have also most fully confirmed and approved all and singular of these liberties and privileges adding also that whoever had the temerity to dare to infringe their privileges incurred a sentence of excommunication for violating apostolic authority as his bull under lead seal witnesses] We therefore exhort you in the Lord, requiring you to allow the aforesaid privileges to our men and our tenants who bear these letters with them as you wish to avoid the censure of the church and the action permitted us by law. Attesting to this matter under our common seal which we have had affixed; given in our chief house of our monastery 1 January in the eighth year of Henry the seventh.

### Reverse

The Abbot of St Martin at Battle bestows these privileges on whoever bears this letter.